

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Co Change of Zone 207 and City Change of Zone #3357 **DATE:** Feb. 05, 2002

This is a combined staff report for related items. This report contains a single background and analysis section for both items.

PROPOSAL: A change of zone from AG Agriculture to AGR Agricultural Residential

LAND AREA: 235.85 Acres, more or less

CONCLUSION: This is an area substantially surrounded by acreage development. The proposed zone is in character with the surrounding area, has minor impacts on the area and is substantially in compliance with the review criteria of the Plan. However, considering the County Engineer's recommendation, lack of a water report and the wooded area, deferral until a preliminary plat is presented would be desirable.

<u>RECOMMENDATION:</u>

County Change of Zone 207-Deferral City Change of Zone # 3357-Deferral

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 11 I.T. in the SE 1/4 and the SW 1/4, all in Section 18, T 9 N, R 6 E of the 6th P.M., Lancaster County NE.

LOCATION: Generally located at SW 56th and W. Denton Road

APPLICANT: Virginia Thomas
3501 Cape Charles Road
Lincoln, NE 68516
(402) 423-5749

OWNER: Virginia Thomas and Twyla J. Lidolph, Trustee

CONTACT: Virginia Thomas
3501 Cape Charles Road
Lincoln, NE 68516
(402) 423-5749

EXISTING ZONING: AG Agriculture

EXISTING LAND USE: Farmland

SURROUNDING LAND USE AND ZONING:

North: Ag land and acreages, zoned AG Agriculture,
South: Acreages, zoned AGR Agriculture Residential and AG Agriculture
East: Acreages, Zoned AGR Agriculture Residential
West: Acreages, Zoned AGR Agriculture Residential

ASSOCIATED APPLICATIONS: None

HISTORY: The **January 1999** Comprehensive Plan Annual Review considered this land for designation for Low Density Residential, that action was deferred at the recommendation of the Health Department until more complete information on water quality and quantity is available. Changed from County AA Rural and Public Use to AG Agriculture in the **1979** Zoning Update.

COMPREHENSIVE PLAN SPECIFICATIONS: This area is shown as Agricultural on the Land Use Plan (figure 16 and 17). The Comprehensive Plan states:

Low density rural use areas beyond the Future Urban Area should be designed to be compatible with the agricultural character and rural lifestyles of the area, including recognition that the agricultural operator's "right to farm" is an integral part of rural lifestyle.....

This plan recognizes the continuing desire to accommodate this style of life, to protect this character of development where appropriate, and to manage its location. In making decisions about where this land use is appropriate, public officials will use criteria such as compatibility of this land use with farming and other land uses, maintenance of rural character, preservation of ecologically sensitive areas, and the economic and efficient provision of public services and infrastructure. (Amendment **9416**)(page 52)

Rural and Agriculture

1. Preserve the rural quality of life while allowing for the quality growth of Lincoln and the incorporated communities of the county and encourage contiguous development.
2. Preserve highly productive agricultural land for agrarian purposes, as well as allow rural, non-agricultural residences; protect ecological and historic sites in rural Lancaster County.(Appendix C, Community Congress Goals)

UTILITIES: Not available. This area is outside the future urban service area shown in the Comprehensive Plan. There are no rural water districts in this area.

TOPOGRAPHY: Gently rolling hills, falling off to the north and east

TRAFFIC ANALYSIS: West Denton Road is a paved county road. S.W. 56th and S.W. 40th Streets are gravel county roads. The Comprehensive Plan shows S.W. 56th Street as "Potential Paving", it is not shown in the County one and six for improvements at this time.

PUBLIC SERVICE: This area is served by the Haines Branch School District #69, the Southwest Rural Fire District, and is in the Norris Public Power District service area.

REGIONAL ISSUES: The location of acreage development and farming. Development along Denton Rd.

ENVIRONMENTAL CONCERNS: There are no Historic or Ecological resources identified on this site. Yankee Hill Lake is one half mile south of this site. The soil rating is approximately 3.4. This is prime agriculture soil. There is flood plain along the creek that cuts from southwest to northeast across this parcel, covering about 20% of the parcel. Wetlands could be expected at that location.

AESTHETIC CONSIDERATIONS: NA

ALTERNATIVE USES: Farming or 11, 20+acre parcels.

ANALYSIS:

1. The Comprehensive Plan lists criteria for the review of zoning proposals. These include portions of Nebraska Revised Statutes Section 15-902;
 1. **Safety from fire, flood and other dangers;**

There is flood plain on the parcel. There are no other apparent safety issues.
 2. **Promotion of the public health, safety, and general welfare;**

There appear to be no major conflicts, except for the existent floodplain and normal farming operations.
 3. **Consideration of the character of the various parts of the area, and their particular suitability for particular uses, and types of development;**

This land has existing acreage development on three sides and some larger lot acreages on the fourth side, 1/4 mile to the north. Acreages would meet the character of the area.
 4. **Conservation of property values; and**

A change to acreage zoning would reflect the development in the area and should not have an impact on property value.

5. Encouraging the most appropriate use of land throughout the area zoned, in accordance with a comprehensive plan.

A change of zoning to an acreage designation would reflect the development of the surrounding area. However, it is shown as Agricultural on the Land Use Plan (figure 16 and 17).

There are seven specific criteria established in the Plan for review including;

a. Infrastructure: the availability of the water, sewer, drainage and the transportation systems.

There is no water or sewer system in place. Drainage would be by the creek. Transportation would be by the three abutting county roads.

b. Compatibility: harmony and suitability with the surrounding land uses and the natural environment.

Acreage development would be compatible with the surrounding acreage development. Proper design at the time of platting, such as the use of a Community Unit Plan, could protect and enhance the natural waterway and environmental features.

c. Health and Safety: protection against natural and man-made hazards including noise; air, ground and water pollution; flooding; and hazards from industrial or agricultural processes or products.

The proposed change would not have an impact on public safety.

d. Physiographic Features: the topography, suitability of proposed land uses with streams, lakes, soil types, natural vegetation or wildlife habitat.

The land is currently farmed with a wooded drainage way through it. Properly designed the area could include acreage development and preserve the natural vegetation. However, without an accompanying preliminary plat, it is not know if the wooded area will be preserved.

e. Accessibility: availability, or lack thereof, of public transportation, arterial connections and pedestrian linkages.

There is no public transportation, pedestrians or trails present. West Denton Road is a paved major County Road. S.W. 40th and S.W. 56th are county gravel roads.

f. Open Space: availability of sufficient open space and recreational areas to accommodate a project's residents and employees.

Yankee Hill Lake State Recreation Area is one half mile to the south.

g. Fiscal Impacts: whether the proposed use does not create a burden to local tax revenues and/or available resources.

There are no know major tax revenue impacts.

2. A major concern in this area is ground water availability, quantity and quality. The subdivisions to the east, west and south of this area have provided sufficient information on water for approval of those plats. Since this is bracketed by those developments, it may be reasonable to presume a like amount and quality of water will be available on this land. Water reports are required at the time of application of a subdivision permit.

3. The County Engineer notes concerns of coordinating public improvements by approving a change of zone without a plat and thus recommends denial. This is normally a platting and design standard issue. A change of zone request does not require a simultaneous submittal of a plat. However, if there are substantive issues, deferral of a change of zone has been recommended to allow a plat to be submitted to address those issues.

4. There are some inherent conflicts of farming close to acreage development. This “notch” of agricultural land has even more opportunity for conflicts with acreages surrounding the area. Filling in the notch with a development of similar nature to the existing acreage developments would be appropriate.

5. Development potential of this land would be 6-8 dwelling units under the AG zoning and about 45 dwellings under AGR zoning.

Prepared by:
Mike DeKalb, AICP

Planner



**County Change of Zone #207
NE of W. Denton Rd & SW 60th St.**



Photograph Date: 1997

Area of Application
from AG to AGR

SW 56th St.

Buckthorn Rd.

AG

Three Mile Limit

AG

AGR

AGR

W. Denton Rd.

AG

Sw Hunter
W. Bluegill C

SW 49th St.

SW 45th St.

SW 41st St.

SW 40th St.

W. Bucks Dr.

County Change of Zone #207 NE of W. Denton Rd & SW 60th St.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 18 T9N R6E



Zoning Jurisdiction Lines



City Limit Jurisdiction

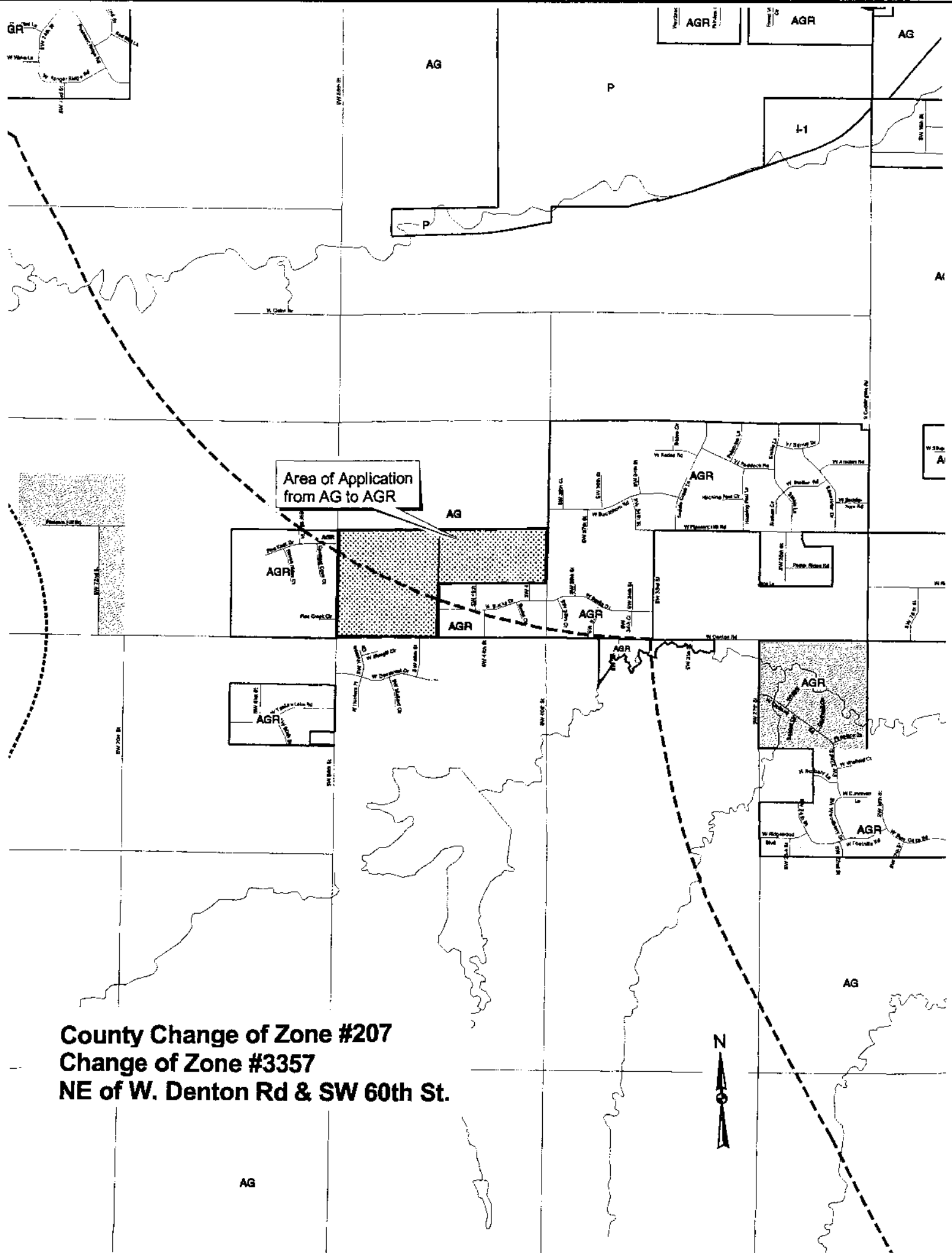
W. Old Cheney Rd.

SW 56th St.

SW 40th St.

W. Denton Rd.





January 22, 2002

City Planning Commission
555 South 10
County-City Building
Lincoln, NE 68516

To City Planning Commission,

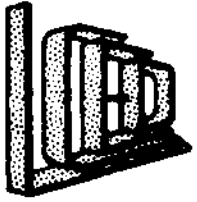
Virginia Thomas and Twyla J Lidolph, Trustee, are the owners of the 240 acres of land recorded as Lot 11, SE18-9-6 and SW 18-9-6. We would like to change the zoning from Ag to AgR. There are acreages on the west, east and south sides of our property. We plan to keep this as farm ground for several years but due to the rapid growth in the area know it will be subject to acreage development in the future. The 80 acres SW 18-9-6 has a small area which we understand comes under city jurisdiction. .

We would appreciate your consideration in having SW 18-9-6 changed from Ag to AgR. If your have any questions please contact Twyla Lidolph at 402-423-3308 or Virginia Thomas at 402-423-5749.

Sincerely yours,

A handwritten signature in cursive script, reading "Twyla Lidolph".

Twyla Lidolph
5010 Sugar Creek Road
Lincoln, NE 68516



Lancaster

County

Engineering

Department


DON R. THOMAS - COUNTY ENGINEER

DEPUTY- LARRY V. WORRELL
COUNTY SURVEYOR

DATE: January 30, 2002

JAN 31 2002

TO: Mike Dekalb
Planning Department

FROM: Larry V. Worrell 
County Surveyor

SUBJECT: CHANGE OF ZONE #3358 207

Upon review, this office is concerned to have a Change of Zone without first having a Preliminary Plat being submitted with such request. If this Change of Zone was approved, acreages could be created without benefit of coordinated public improvements. This would also create multiple residential access locations on an arterial street that should be accessed through internal streets to the arterial.


This office would recommend **denial** of this application until such time as a Preliminary Plat accompanies the requested Change of Zone.

LW/cm
ZONE/#3358.Mem

M e m o r a n d u m

FEB - 6 2002

To: Mike DeKalb, Planning

From:  Dennis Bartels, Engineering Services

Subject: Change of Zone 3357, AG to AGR

Date: February 4, 2002

cc: Roger Figard
Randy Hoskins
Nicole Fleck-Tooze

Engineering Services has reviewed the proposed change of zone 3357 to change the zone from AG to AGR west of Southwest 40th Street, north of Denton Road and finds it satisfactory.